

serving as president of the Young Lawyers Division of the Memphis Bar Association and president of the Young Lawyers Conference of the Tennessee Bar Association. He subsequently served a term as president of both the Memphis and Tennessee Bar Associations.

Mr. Gilman is eminently qualified to serve as a judge. His legal career has been as distinguished as it has been multifaceted. He has practiced criminal law, civil litigation, particularly commercial litigation, general business law, and estate planning. Most recently, he has spent a good deal of his practice involved in alternative means of dispute resolution, often serving as an arbitrator and mediator. From a background such as his, I think we can safely expect that Mr. Gilman will bring to the bench the legal practitioner's bent for common sense and careful application of the law rather than an ideological approach to the law.

Mr. Gilman is not only one of Tennessee's most distinguished lawyers, but a leader in the Memphis community as well, having served leadership roles with the Boy Scouts, the Memphis Jewish Home, and Memphis Senior Citizens Services, among other groups. He is a recipient of the Sam A. Myar, Jr. Memorial Award for outstanding service to the legal profession and the Memphis community.

This nomination enjoys widespread and bipartisan support. Both Republican Representative ED BRYANT and Democratic Representative HAROLD FORD, Jr., support the nomination. The entire Tennessee legal community supports the nomination. I have heard not a single negative word about Mr. Gilman's nomination, and I urge my colleagues to vote in favor of this nomination.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield back the time on this side. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ronald Lee Gilman, of Tennessee, to be U.S. circuit judge for the Sixth Circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 295 Ex.]

YEAS—98

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	

NAYS—1

Faircloth

NOT VOTING—1

Mikulski

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The report will be stated by the clerk.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1119), have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 23, 1997.)

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours for debate to be equally divided in the usual form.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the conference report for the National Defense Authorization Act for Fiscal Year 1998 is before the Senate now. This is an important component of the national security legislation that the Congress must pass each year.

The Armed Services Committee worked hard this year to produce a bill that will authorize the appropriation of \$268.2 billion for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military personnel, military construction and family housing within the Department of Defense, and for the weapons programs of the Department of Energy and the civil defense. This is an important piece of legislation.

Mr. President, there are some Senators who will suggest that the Senate should reject this bill in order to protect interests in their States. This is a very large bill with over 600 legislative provisions. The conference report is nearly a thousand pages. In order to reach agreement on a bill of this magnitude, a lot of compromise is required. The conference report includes many programs and policies essential to the Department of Defense and the Nation. However, not everyone got everything that they wanted. As the committee prepared for our markup, we received letters of request from 99 Senators. The committee tried to accommodate as many of these requests as possible, consistent with our national security needs. Mr. President, neither South Carolina nor Michigan got everything Senator LEVIN and I wanted for our States.

Defeating the Defense authorization bill because three or four Senators did not get everything they wanted would be the ultimate in partisanship over statesmanship. Let me explain what the Nation would lose if there is no Defense authorization bill this year.

I believe the single most controversial issue in the conference report is the policy with regard to depots. In the area of privatization, the bill includes an important compromise that provides for open competition for the work at the closing depots at Kelly and McClellan Air Force Bases. If the bill is not enacted, the opportunity to support full and open competition and to resolve a longstanding and very contentious issue will be lost. The bill would also change the current 60-40 public/private split in The Department of Defense depot maintenance to 50-50, giving The Department of Defense greater flexibility to achieve an optimal mix of public and private capabilities.

Mr. President, negotiating the compromise on the depot issue was a difficult and complex three-way negotiation. Senator LEVIN and I worked together in a totally bipartisan manner to ensure a fair resolution that provided for fair and open competition. We are in total agreement on the compromise. I want to commend Senator